

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Christopher Coleman,

Complainant

against

Docket # FIC 2023-0465

Director, State of Connecticut, Judicial
Marshal Services; and State of Connecticut,
Judicial Marshal Services,

Respondents

August 28, 2024

The above-captioned matter was heard as a contested case on May 7, 2024, at which time the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint. The complainant, who is incarcerated, appeared via teleconference, pursuant to the January 2004 memorandum of understanding between the Commission and the Department of Correction. See Docket No. CV 03-0826293, *Anthony Sinchak v. FOIC et al*, Superior Court, J.D. of Hartford at Hartford, Corrected Order dated January 27, 2004 (Sheldon, J.).

After consideration of the entire record, the following facts are found and conclusions of law are reached:

1. The respondents are public agencies within the meaning of §1-200(1), G.S.
2. It is found that, by letter dated July 20, 2023, the complainant requested that the respondents provide him with “any and all video footage from inside the driver/passenger cab and rear video footage from a specific judicial transport vehicle on October 5, 2022, from 2:00 p.m. to 4:00 p.m.,” among other records no longer at issue.
3. It is found that, by letter dated July 27, 2023, the respondents acknowledged the complainant’s request. It is also found that on or about August 15, 2023, and September 7, 2023, the complainant inquired with the respondents about the status of his request.
4. By complaint filed September 13, 2023, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by denying his request for the records described in paragraph 2, above. The complainant also requested that the Commission issue a civil penalty against the respondents.
5. Section 1-200(5), G.S., provides:

"[p]ublic records or files" means any recorded data or information relating to the conduct of the public's business prepared, owned, used, received or retained by a public agency, or to which a public agency is entitled to receive a copy by law or contract under section 1-218, whether such data or information be handwritten, typed, tape-recorded, videotaped, printed, photostated, photographed or recorded by any other method.

6. Section 1-210(a), G.S., provides, in relevant part:

[e]xcept as otherwise provided by any federal law or state statute, all records maintained or kept on file by any public agency, whether or not such records are required by any law or by any rule or regulation, shall be public records and every person shall have the right to ... (3) receive a copy of such records in accordance with the provisions of section 1-212.

7. Section 1-212(a), G.S., provides in relevant part: "[a]ny person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record."

8. It is concluded that the requested records, to the extent such records exist and are maintained, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

9. At the hearing, the respondents contended that no records responsive to the complainant's request, described in paragraph 2, above, exist and are maintained by the respondents. The complainant disputed this contention.


10. O'Donovan Murphy, the Director of Judicial Marshal Services, appeared and testified at the contested case hearing. Based upon the credible testimony of the respondents' witness, it is found that the respondents conducted a reasonable and diligent search, but did not locate any records responsive to the request described in paragraph 2, above. It is found that no responsive records exist.

11. It is therefore concluded that the respondents did not violate the disclosure provisions of the FOI Act as alleged in the complaint. Because the respondents have not violated the FOI Act in this matter, consideration of the imposition of civil penalty is not warranted.

The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint:

1. The complaint is hereby dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of August 28, 2024.


Molly Steffes
Acting Clerk of the Commission

PURSUANT TO SECTION 4-180(c), G.S., THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

CHRISTOPHER COLEMAN, #198458, Cheshire Correctional Institution, 900 Highland Avenue, Cheshire, CT 06410

DIRECTOR, STATE OF CONNECTICUT, JUDICIAL MARSHAL SERVICES; AND STATE OF CONNECTICUT, JUDICIAL MARSHAL SERVICES, c/o Brianna C. Nobile and Attorney Andrei V. Tarutin, Judicial Branch Legal Services, Court Operations Division, 100 Washington Street, P.O. Box 150474, Hartford, CT 06115



Molly Steffes
Acting Clerk of the Commission